

Senate File 2363 - Reprinted

SENATE FILE 2363
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3025)

(As Amended and Passed by the Senate March 22, 2022)

A BILL FOR

1 An Act relating to the requirements for a sex offender
2 to be granted a modification of sex offender registry
3 requirements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.128, Code 2022, is amended to read
2 as follows:

3 **692A.128 Modification.**

4 1. A sex offender ~~who is on probation, parole, work release,~~
5 ~~special sentence, or any other type of conditional release~~ may
6 file an application in district court seeking to modify the
7 registration requirements under [this chapter](#).

8 2. ~~An~~ For an offender whose requirement to register as a sex
9 offender commenced prior to July 1, 2022, an application shall
10 not be granted unless all of the following apply:

11 a. The date of the commencement of the requirement to
12 register occurred at least two years prior to the filing of the
13 application for a tier I offender and five years prior to the
14 filing of the application for a tier II or III offender.

15 b. The sex offender has successfully completed all sex
16 offender treatment programs that have been required.

17 c. A risk assessment has been completed and the sex offender
18 was classified as a low risk to reoffend. The risk assessment
19 used to assess an offender as a low risk to reoffend shall
20 be a validated risk assessment approved by the department of
21 corrections.

22 d. The sex offender is not incarcerated when the application
23 is filed.

24 e. The director of the judicial district department
25 of correctional services supervising the sex offender, or
26 the director's designee, stipulates to the modification,
27 and a certified copy of the stipulation is attached to the
28 application.

29 3. For an offender whose requirement to register as a sex
30 offender commenced on or after July 1, 2022, an application
31 shall not be granted unless all of the following apply:

32 a. A period of time has elapsed since the offender's initial
33 registration as follows:

34 (1) (a) Except as otherwise provided in subparagraph
35 division (b), a tier I offender initially registered at least

1 ten years prior to the filing of the application.

2 (b) A tier I offender who was under twenty years of age at
3 the time the offender committed a violation of section 709.4,
4 subsection 1, paragraph "b", subparagraph (2), subparagraph
5 division (d), initially registered at least five years prior to
6 the filing of the application.

7 (2) A tier II or tier III offender initially registered at
8 least fifteen years prior to the filing of the application.

9 b. The sex offender has successfully completed all sex
10 offender treatment programs that have been required.

11 c. A risk assessment has been completed and the sex offender
12 was classified as a low risk to reoffend. The risk assessment
13 used to assess an offender as a low risk to reoffend shall
14 be a validated risk assessment approved by the department of
15 corrections.

16 d. The sex offender is not incarcerated when the application
17 is filed has successfully completed any pretrial release,
18 probation, parole, or work release for the offense requiring
19 registration.

20 e. The director of the judicial district department
21 of correctional services supervising the sex offender, or
22 the director's designee, stipulates to the modification,
23 and a certified copy of the stipulation is attached to the
24 application.

25 f. The sex offender is not incarcerated when the application
26 is filed.

27 (1) A tier I offender must not have been convicted of any
28 criminal offense other than a simple misdemeanor, or a simple
29 or serious misdemeanor or traffic violation under chapter 321,
30 for the ten-year period immediately preceding the filing of the
31 application.

32 (2) A tier II or tier III offender shall not have been
33 convicted of any criminal offense other than a simple
34 misdemeanor, or a simple or serious misdemeanor or traffic
35 violation under chapter 321, for the fifteen-year period

1 immediately preceding the filing of the application.

2 ~~3.~~ 4. The application shall be filed in the sex offender's
3 county of principal residence.

4 ~~4.~~ 5. Notice of any application shall be provided to the
5 county attorney of the county of the sex offender's principal
6 residence, the county attorney of any county in this state
7 where a conviction requiring the sex offender's registration
8 occurred, and the department. The county attorney where the
9 conviction occurred shall notify the victim of an application
10 if the victim's address is known.

11 ~~5.~~ 6. The court may, but is not required to, conduct
12 a hearing on the application to hear any evidence deemed
13 appropriate by the court. The court may modify the
14 registration requirements under this chapter by reducing the
15 registration period.

16 ~~6. A sex offender may be granted a modification if the~~
17 ~~offender is required to be on the sex offender registry as a~~
18 ~~result of an adjudication for a sex offense, the offender is~~
19 ~~not under the supervision of the juvenile court or a judicial~~
20 ~~district judicial department of correctional services, and the~~
21 ~~department of corrections agrees to perform a risk assessment~~
22 ~~on the sex offender. However, all other provisions of this~~
23 ~~section not in conflict with this subsection shall apply to the~~
24 ~~application prior to an application being granted except that~~
25 ~~the sex offender is not required to obtain a stipulation from~~
26 ~~the director of a judicial district department of correctional~~
27 ~~services, or the director's designee.~~

28 7. If the court modifies the registration requirements
29 under this chapter, the court shall send a copy of the order to
30 the department, the sheriff of the county of the sex offender's
31 principal residence, any county attorney notified in subsection
32 4, and the victim, if the victim's address is known.